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TO PARTIES OF RECORD IN RULEMAKING 06-12-016

This is the proposed decision of Commissioner Bohn. It will not appear on the Commission's agenda for at least 30 days after the date it is mailed. The Commission may act then, or it may postpone action until later.

When the Commission acts on the proposed decision, it may adopt all or part of it as written, amend or modify it, or set it aside and prepare its own decision. Only when the Commission acts does the decision become binding on the parties.

Parties to the proceeding may file comments on the proposed decision as provided in Article 14 of the Commission's Rules of Practice and Procedure (Rules), accessible on the Commission's website at www.cpuc.ca.gov. Pursuant to Rule 14.3, opening comments shall not exceed 15 pages.

Comments must be filed either electronically pursuant to Resolution ALJ-188 or with the Commission's Docket Office. Comments should be served on parties to this proceeding in accordance with Rules 1.9 and 1.10. Electronic and hard copies of comments should be sent to ALJ DeAngelis at rmd@cpuc.ca.gov and Commissioner Bohn's advisor Bob Lane at bob@cpuc.ca.gov. The current service list for this proceeding is available on the Commission's website at www.cpuc.ca.gov.

/s/ JANET A. ECONOME for
Angela K. Minkin, Chief
Administrative Law Judge

ANG:hl2

Attachment

Decision **PROPOSED DECISION OF COMMISSIONER BOHN**
(Mailed 3/29/2007)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Consider
Revisions to the General Rate Case Plan
For Class A Water Companies.

Rulemaking 06-12-016
(Filed December 14, 2006)

**OPINION ADOPTING REVISED RATE CASE PLAN
FOR CLASS A WATER UTILITIES**

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APPENDIX A

**OPINION ADOPTING REVISED RATE CASE PLAN
FOR CLASS A WATER UTILITIES**

I. Summary

Today we adopt several significant changes to the Rate Case Plan (RCP) for Class A water utilities¹ approved in Decision (D.) 04-06-018. We adopt a new schedule for filing general rate cases (GRCs). Under our new schedule, the largest multi-district water utilities will be required to eventually file a single GRC for all districts at the same time. The transition to this new schedule will be gradual.

We also require separate applications for cost of capital determinations. We will require Class A water utilities to file cost of capital applications on a triennial basis and we will adopt an adjustment mechanism for the intervening years in the first applicable cost of capital proceedings under this RCP. The largest Class A water utilities will file their first cost of capital applications in May 2008. The remaining smaller Class A water utilities will file their first cost of capital applications in May 2009. All of the cost of capital applications filed in the same year will be consolidated.

To reduce discovery during GRC proceedings, we adopt Minimum Data Requirements (MDRs) to be completed by the utility as part of its GRC testimony and its cost of capital testimony. We also adopt several modifications to the existing RCP processing schedule for GRCs. The timing for Public Participation Hearings (PPHs) is modified to accommodate notice requirements for companies

¹ Class A water utilities are those companies with more than 10,000 service connections. Unless otherwise noted, all requirements of this decision only apply to Class A water utilities.

with bimonthly billing. We also modify the existing RCP processing schedule by incorporating Alternative Dispute Resolution (ADR) to assist parties in narrowing the disputed issues and by adding a technical conference about the utility's models to ensure that these models are properly understood and usable.

Our new RCP also improves our oversight of water quality by requiring utilities to provide us with water quality data through the MDRs and by authorizing the assigned Commissioner or assigned Administrative Law Judge (ALJ) to appoint a water quality expert to offer testimony in any GRC proceeding. We considered whether to require utilities to comply with an unaccounted water standard under consideration by the California Urban Water Conservation Council (CUWCC). While we adopt some minor changes in this area, we will not require any major changes until after the CUWCC completes its review process of Best Management Practice 3 (BMP 3).

Finally, we adopt a new procedure for utilities to obtain interim rate relief while a GRC is pending and, for the first time, we adopt a procedure for Class A water utilities to obtain waivers to the requirements to file a GRC application and to file it every three-years. Our new RCP permits utilities to waive the triennial filing requirement with consent of the Executive Director and to obtain authority, in certain instances, to file a GRC by advice letter.

II. Background

Since we adopted the RCP in D.04-08-016, all Class A water utilities have had the opportunity to file and process at least one GRC. As a result, Class A water utilities and our staff have gained valuable insights into ways to build upon the existing RCP. In addition, since we implemented the existing RCP, we adopted a Water Action Plan on December 15, 2005 (Water Action Plan 2005). The four key principles of the Water Action Plan 2005 are (1) safe, high quality

water; (2) highly reliable water supplies; (3) efficient use of water; and (4) reasonable rates and viable utilities. The Water Action Plan 2005 also includes six objectives: (1) maintain the highest standards of water quality; (2) strengthen water conservation programs to a level comparable to those of energy utilities; (3) promote water infrastructure investment; (4) assist low income ratepayers; (5) streamline Commission regulatory decision-making; and (6) set rates that balance investment, conservation, and affordability.

In July 2006, the Water Division solicited input on how our existing RCP might be modified to support implementation of the Water Action Plan 2005. The Water Division also sought input on how to design the process permitted under Section 455.2 of the Public Utilities Code² for granting waivers to the RCP, as anticipated by D.06-06-037. Lastly, the Water Division asked parties to comment on possibly refining the RCP to reflect lessons learned over the course of the past three years while we implemented the existing RCP.

On December 14, 2007, we issued this Order Instituting Rulemaking (OIR) to build upon the process started by the Water Division of incorporating the goals of the Water Action Plan 2005 into the RCP. In this OIR, we identified several areas where improvement in the RCP was a priority based on the Water Division's workshops held in September 2006. We outlined these issues in the Rulemaking and attached, at Appendix A to the OIR, a draft proposed RCP. The draft proposal reflected certain improvements to the RCP based on the Commission's experience with the existing RCP, the comments of water utilities and other parties during workshops, and our desire to incorporate aspects of the Water Action Plan 2005 into the RCP.

² Unless otherwise noted, all statutory references are to the Public Utilities Code.

After carefully reviewing all the comments and reply comments filed by parties³ on February 21 and 28, 2007 to the draft proposed RCP, we now adopt a new RCP. We discuss each of the modifications to the RCP below. In addition, Appendix A hereto sets forth a complete copy of the new RCP and the MDRs.

This Rulemaking is closed.

III. Modifications to the Existing Rate Case Plan

A. Single Rate Case for Multi-District Utilities

The OIR proposed that all multi-district water utilities file a single general rate case for all their districts at the same time and once every three years. In addition, the OIR proposed that the length of the rate case plan be 14 months for single district applications and 20 months for multi-district applications. Under the OIR, we further proposed that the 14-month and 20-month time frames would start with the proposed application's submission date and end with the expected effective date of GRC rates.

The Joint Parties⁴ agree to very few details regarding our proposal. Their recommendation on the RCP schedule is limited to very minor changes to the proposed 14-month GRC processing schedule.

³ The following parties filed comments, reply comments, or both: Division of Ratepayer Advocates, California Water Association, Park Water Company, San Gabriel Valley Water Company, Monterey Peninsula Water Management District, American Water Company, and the California Department of Health Services. The Assigned ALJ accepted a letter sent to the Assigned ALJ on March 9, 2007 and dated October 27, 2006 by the California Department of Health Services as comments.

⁴ The Joint Parties includes the Division of Ratepayer Advocates, California Water Association, its member Class A water utilities, and Park Water Company. Some of the individual participants of the Joint Parties also filed separate comments.

Regarding our proposal for a single rate case for multi-district utilities, the Division of Ratepayer Advocates (DRA) states that it would prefer for the Commission to continue to process GRCs under the existing RCP adopted in D.04-06-018. DRA's position is primarily based on its opposition to single tariff rate design for multi-district utilities. According to DRA, a single rate case for multi-district utilities may somehow encourage the Commission to adopt a policy in favor of single tariff rate design. We see no such connection. DRA also states that, if the Commission decides to move ahead on multi-district GRCs, the Commission should establish the new RCP as a pilot project. On the actual sequence for utilities to file their GRCs, DRA suggests the Commission modify the filing sequence of certain utilities, namely Great Oaks Water and Valencia. In addition, DRA states that California American Water Company should file a separate GRC on a 14-month schedule for its Monterey District. Finally, regarding GRC updates, DRA suggests in its reply comments that the Commission retains the existing system under D.04-06-018 because, according to DRA, it has worked well.

In its comments, the California Water Association (CWA)⁵ states three main concerns regarding the proposal for single multi-district filings. CWA notes that, in some instances, the proposed RCP extends beyond the three-year cycle required under Section 455.2. CWA also is concerned that, due to the proposal to increase the length of the GRC processing schedule to 20 months, the

⁵ The following CWA member utilities specifically joined in its comments and reply comments: California American Water Company, California Water Service Company, Golden State Water Company, San Gabriel Valley Water Company, San Jose Water Company, Suburban Water Company, and Valencia Water Company. Some of these utilities also filed individual comments and reply comments.

Commission must modify the GRC schedule to accept, with certain restrictions, updated data. Lastly, CWA points out that, in its opinion, the proposed RCP creates inefficiencies by processing some of the smaller Class A water utilities, namely San Gabriel Valley Water Company (San Gabriel), under the same 20-month schedule as the larger Class A water utilities. As a partial solution to its concerns, CWA proposes several modifications to the proposed RCP, including changing the GRC filing schedule to provide for a one-year transition period to the new RCP and processing the four single district utilities (Great Oaks Water, San Jose Water, Suburban Water Systems, Valencia Water) and the two district companies (San Gabriel and Park Water Company) on a slightly modified 14-month schedule while processing the three largest multi-district utilities on the 20-month schedule. Lastly, CWA suggests shortening the proposed 20-month schedule by 2 months to 18 months. California American Water Company filed separate comments on these issues largely agreeing with CWA.

Park Water Company's (Park) comments state that the OIR incorrectly describes the relationship between Park and Apple Valley. Apple Valley is not a district of Park. Instead, Apple Valley is a wholly owned subsidiary of Park and a separate Class A water utility. In addition, Park points out that because Park and Apple Valley are separate utilities and because Apple Valley contracts out its regulatory work to Park, combining rate cases with Apple Valley would prove difficult. According to Park, its regulatory staff does not have the resources to prepare two general rate cases simultaneously.

The Monterey Peninsula Water Management District (MPWMD) has concerns about a multi-district filing by California American Water Company, which would include the Monterey District, because such a filing might

minimize the attention given to the complex issues in the Monterey District. For certain regulatory-compliance reasons, MPWMD also requests that instead of scheduling California American Water Company's next general rate case for July 2009, the Commission should schedule the rate case for January 2008.

San Gabriel urges the Commission to continue to permit it to file separate rate cases for its two divisions, the Los Angeles County Division and Fontana Water Division. San Gabriel also argues that the 20-month schedule is too long because, among other reasons, at the end of the 20 months, the data will be stale. In addition, San Gabriel states that, by adopting the proposed RCP, the Commission will violate Section 455.2 by failing to provide San Gabriel with a rate increase within 3 years.

We conclude that the existing RCP schedule for filing GRCs should be revised. The adopted schedule is set forth in Section VI of the new RCP, attached hereto as Appendix A. Our adopted schedule is based on our consideration of the comments and reply comments filed by parties and is consistent with the Water Action Plan 2005 by striking the appropriate balance between capturing the efficiencies gained from consolidating certain districts into a single rate case and continuing to process the rate cases as expeditiously as possible. This schedule will not be adopted as a so-called "pilot project," as suggested by DRA. As the parties gain experience with this schedule, they may identify potential improvements and should notify the Commission's Water Division at the appropriate time so that we can consider further refinements to the RCP consistent with the Water Action Plan 2005.

Our adopted schedule permits Park and Apple Valley to file separate GRCs under the 14-month schedule. We conclude that combining Park and Apple Valley will not significantly reduce the total number of GRC proceedings.

We further conclude that San Gabriel will file consolidated GRCs for its Fontana Water Division and its Los Angeles County Division under the 20-month schedule. While certain processing efficiencies might be gained by permitting San Gabriel to process its two districts separately, San Gabriel's recent GRCs have not been processed efficiently due, in large part, to actions by San Gabriel. As DRA notes, several recent San Gabriel proceedings have required the Commission to rule on controversial issues and consider audit findings regarding the company's accounting practices. Accordingly, until San Gabriel demonstrates that it can process GRCs efficiently and within 14 months, we will continue to process its two districts together on a 20-month schedule. Should San Gabriel demonstrate its ability to efficiently process GRCs in the future, we will consider switching San Gabriel to two separate GRCs and process those GRCs on a 14-month schedule.

The remaining largest companies, California American Water Company, California Water Service Company, and Golden State Water Company, will file their GRCs under the 20-month schedule. We will gradually consolidate all districts into one GRC for each utility. At this time, we do not believe a shorter schedule, such as the 18-month schedule proposed by CWA, allows sufficient time to process a multi-district GRC.

A number of parties expressed concern about delays beyond the time frame contemplated by Section 455.2. The gradual phase-in to the single multi-district rate case schedule will alleviate these delays. While delays will still exist beyond the three-year cycle set forth in Section 455.2(c), the length of such delays is shorter and we also adopt a procedure for interim rate relief during these delays below.

Regarding the Monterey District, parties suggest that the issues presented by this district are too complex to consolidate with other districts but that consolidation may be appropriate in the future. Under the adopted RCP, we will gradually consolidate the Monterey District with the other districts while ensuring that the issues presented by this district still receive the appropriate attention.

Our adopted schedule also reflects the suggestions of parties regarding the time necessary to complete certain required GRC tasks. These revisions are relatively minor and require no further elaboration.

Lastly, to the extent that the RCP schedule requires minor modifications to address mergers, acquisitions or the entry of new water utilities, the Water Division has restricted authority to initiate changes to the RCP schedule through a proposed Resolution.

1. Rate Adjustments During Transition Period

Section V of the proposed RCP addressed the issue of rate adjustments under Section 455.2(c) during the transition to the new RCP. Our proposal in the OIR was as follows: For districts where the last review of rates was more than three years earlier, the utility may seek an annual rate change, subject to refund and limited to the rate of inflation, by a Tier 2 Advice Letter.

In response, CWA states that the proposal to limit interim rate relief during the transition period to the rate of inflation is inadequate based on soaring costs in some water service areas. Moreover, according to CWA, the transition to the new RCP schedule will result in certain companies filing GRCs beyond the three-year filing requirement set forth in Section 455.2(c). According to CWA, such delay can only occur when the utility and the Commission mutually waive the three-year filing requirement. CWA suggests that we permit

water utilities that fall within this delay period to file GRCs during CWA's so-called one-year transition period.

In its reply comments, DRA disagrees with CWA's proposal for handling the transition period. Instead, DRA suggests that the Commission direct the Class A water utilities and DRA to work together to develop a proposal to address delays beyond the three-year GRC filing cycle. DRA notes that, in Ordering Paragraph 3 of D.04-06-018, we addressed this transition problem by ordering the parties to devise a mutually agreeable proposal within 60 days of the date of issuance of that decision.

As stated above, we conclude that our new RCP schedule will further the Water Action Plan 2005's objective of streamlining the Commission's decision-making process by requiring a single rate case for each of the three largest Class A water utilities and San Gabriel while permitting the remaining Class A water utilities to file single district GRCs. Under the new RCP, however, some districts will be scheduled for a GRC beyond the three-year filing cycle set forth in Section 455.2(c). As CWA correctly points out, Section 455.2(c) only authorizes deviations to this three-year cycle by mutual consent of the Commission and the water corporation.

We conclude that companies that will experience a delay in their GRCs under our new RCP may seek a rate modification, subject to refund as set forth below, via a Tier 2 Advice Letter. We will not limit the rate changes sought in these filings to the rate of inflation. However, interim rates under Section 455.2(c), when approved, will be subject to refund and shall be adjusted upward or downward back to the effective date of the interim rates upon the adoption of final rates by the Commission at the conclusion of a GRC scheduled under the RCP. This procedure will only apply during our transition to the new RCP when

the new RCP plan delays a water utility's GRC beyond the three-year cycle set forth in Section 455.2(c). We decline to adopt CWA's suggestion to permit utilities to file applications. Applications will unduly complicate the RCP schedule and create numerous inefficiencies. Furthermore, the advice letter process addresses all of CWA's concerns.

2. Updates to Recorded Information in Pending GRC Application

In the OIR, we proposed not to modify the existing process set forth in D.04-06-018 for applicants to offer updates to recorded data in a pending GRC application. Under our existing process, within 45 days of a GRC filing, an applicant can submit more recent recorded data. According to the existing RCP, any updates must be restricted to the data included in the original application or testimony. The existing RCP makes clear that any new or additional items or forecasted costs are not updates to recorded data and will not be accepted. The existing RCP also provides that, under extraordinary circumstances, a water utility may seek discretionary post-application modifications.

CWA points out that the 20-month schedule is six months longer than the existing processing schedule. Accordingly, it proposes that we permit water utilities to update their GRC applications if the recorded year-end data is significantly different from the estimated data included in the GRC application or if data significantly changes the utility's case. CWA claims that updated data will produce more accurate rates that more closely reflect the true cost of utility service and, in support of this goal, points to the Water Action Plan 2005's principle of reasonable rate and viable utilities.

DRA disagrees with CWA. In reply comments, DRA contends that the existing procedures set forth in D.04-06-018 are adequate.

San Gabriel suggests that it is impractical to allow parties to continuously change the data in a pending application but also urges the Commission to permit updates so that our decisions are not based on stale information.

We conclude that updates will be permitted consistent with the existing procedure set forth in D.04-06-018. This result strikes the appropriate balance between the principle of reasonable rates and viable utilities and the policy goal of streamlining Commission regulatory decision-making, as set forth in the Water Action Plan 2005. Consistent with the Plan, this process is fair as it allows the utilities an opportunity to seek post-application modifications when changes are material and ensures that other parties have adequate time to analyze the new data.

B. Cost of Capital Proceedings

The OIR proposed that a separate cost of capital proceeding be established on a parallel track to a company's GRC and that the Commission address all Class A water utilities' cost of capital applications for a given year on a consolidated basis. The OIR also proposed to give Class A water utilities the option to request modifications to their cost of capital annually. Finally, under the OIR, cost of capital applications would be due May 1 of the year prior to the Test Year.

DRA suggests that cost of capital continue to be addressed within the utility's GRC. DRA expresses concern about the reduced ability to negotiate settlements in a GRC in the absence of issues related to cost of capital. DRA also expresses concern about increased workload should utilities file cost of capital applications each year and suggests that cost of capital results may not be timely since the GRC and cost of capital proceedings will proceed on separate tracks.

According to CWA, the Commission should continue to address cost of capital within individual GRC proceedings. Should consolidation be adopted,

CWA suggests that the five publicly-traded (and soon-to-be publicly traded) companies be consolidated in one proceeding and the remaining companies continue to have cost of capital addressed in their individual GRC applications. California American Water Company filed separate comments on this issue largely agreeing with CWA.

San Gabriel states that one consolidated cost of capital proceeding cannot effectively address the variety of capital models and other financial variations among Class A water utilities.

MPWMD supports a consolidated cost of capital proceeding. MPWMD points out that California American Water Company's Monterey District pays a high cost of capital and MPWMD finds that a consolidated proceeding might bring down the cost of capital.

Park also opposes consolidation of cost of capital applications for Class A water utilities. Park argues that consolidated cost of capital proceedings will hinder the ability of utilities to present company-specific risk data. If the Commission adopts a consolidated cost of capital schedule, Park suggests that March 1 be used as the filing date for the consolidated cost of capital applications when the GRC seeks new rates starting January 1.

The Joint Parties make no recommendation on this issue.

We have carefully considered the recommendations by parties on this topic. Although the parties present various reasons for us to reject the consolidation of cost of capital applications, we conclude that consolidation of cost of capital proceedings will serve to streamline our regulatory process, consistent with the objectives of the Water Action Plan 2005. In these consolidated proceedings, we intend to consider company-specific factors.

Accordingly, the concerns of parties that company-specific risks will be overlooked are unfounded.

Based on the comments by parties, we adopted a modified version of our original proposal. In response to concerns that one consolidated cost of capital proceeding would not effectively address the variety of capital models and other financial variations among Class A water utilities, we adopt a RCP that reviews cost of capital in two groups. The three largest Class A water utilities⁶ are directed to file cost of capital applications on May 1, 2008 and on a triennial basis thereafter. The Commission will consolidate these three cases. In this way, similar companies with similar risks will present information to us at the same time. The parties shall include in this May 1, 2008 filing a proposal to annually update the authorized capital structure for the following two years. This mechanism will apply between triennial proceedings. The Commission will adopt such a mechanism in this May 2008 proceeding.

All the remaining Class A water utilities will file cost of capital applications on May 2009 and on a triennial basis thereafter. The Commission will consolidate these cases. The parties shall include in the May 2009 filing a proposal to annually update the authorized capital structure. This mechanism will apply between triennial proceedings. The Commission will adopt such a mechanism in this May 2009 proceeding.

C. Interim Rate Relief during a Pending GRC

The OIR suggested a new procedure to facilitate and expedite requests under Section 455.2 (a) and (b) for interim rate relief during a pending GRC

⁶ The three largest Class A water utilities are California American Water Company, California Water Service Company, and Golden State Water Company.

application. The proposal consisted of the following: (1) a motion by the applicant filed 60 days before the first day of the test year that addressed the extent the applicant was responsible for delay and setting forth its proposed interim rates, (2) a ruling by the assigned ALJ or assigned Commissioner in response to the applicant's motion addressing, among other things, whether the applicant contributed to any delay in the proceeding and the appropriateness of the interim rate proposal, and (3) assuming that the Presiding Officer finds that the applicant was not at fault for delay, the Presiding Officer would authorize the applicant to file an advice letter implementing these interim rates effective the first day of the test year, pursuant to General Order (GO) 96-B.

The Joint Parties make no recommendation on this matter.

CWA suggests that we further streamline our proposal for obtaining interim rates. Seeking to minimize all procedural hurdles associated with obtaining interim rate relief, CWA particularly objects to our proposal to the extent it requires a utility to "prove" that it did not contribute to the delay in adopting rates. CWA contends that our proposal is inconsistent with Section 455.2. According to CWA, Section 455.2 creates a rebuttable presumption that the utility did not cause the delay. Under CWA's proposal, a utility would file a Tier 1 Advice Letter seeking to implement interim rates effective automatically after 20 days unless a protest was filed. Park and San Gabriel generally agree with CWA.

DRA urges the Commission to retain the existing procedure under D.04-06-018 for obtaining interim rate relief during a pending GRC. DRA objects to a procedure permitting an ALJ to approve the rate modification rather than, as required under D.04-06-018, the Commission in a formal decision. According to DRA, the proposal fails to conform to the requirement of Section 455.2 for

Commission approval, not ALJ approval, of interim rates. DRA claims that CWA's proposal to authorize a rate change via an advice letter would contravene the requirements of Section 454 that rates be "justified" by a substantial showing.

Based on parties' comments, we conclude that certain modifications are warranted to our original proposal. To be clear, our adopted interim rate process only applies during a pending GRC when the applicant anticipates that the Commission's decision will not be effective on the first day of the first test year in a general rate increase application. We adopt this procedure pursuant to Section 455.2(a) and (b). Should an applicant seek interim rate relief under Section 455.2, we will require the applicant to file a motion for interim rate relief any time between the end of evidentiary hearings and the date for filing opening briefs or as otherwise authorized. Responses to this motion will be permitted consistent with the Rules of Practice and Procedure. While CWA and others suggest that a motion is unnecessary and inefficient, we find the information provided by the applicant in its motion and by other parties in any responses filed to such motion necessary for the ALJ to make a specific finding on the delay issue as set forth in Section 455.2.

For this reason, the motion shall address the degree, if any, that applicant was responsible for delay during the proceeding. As stated above, this requirement is necessary for the Presiding Officer to determine whether the delay was "due to actions by the water company," consistent with Section 455.2. Contrary to CWA's contention, Section 455.2 does not create a rebuttable presumption that the utility did not cause the delay. The basis for CWA's assertion is unclear.

While CWA is correct that Section 455.2 does not specifically require that interim rates be established through a motion filed by an applicant, the statute

does permit the Presiding Officer to establish a later-effective date for interim and final rates if delay is caused by the applicant. To make a finding on the cause of delay, evidence must be brought before the Presiding Officer. We determine that, consistent with our Rules of Practice and Procedure, a utility motion and responses to this motion are an effective way to bring evidence before the Presiding Officer.

In response to this motion, the Presiding Officer will issue a ruling. The ALJ's ruling will determine whether the applicant was responsible for the delay in implementing rates, determine if applicant's requested rates are appropriate, and suggest a specific effective date for interim rates.

As mentioned above, DRA continues to support the procedure established by D.04-06-018 that requires the ALJ to prepare a proposed decision on the issues of delay and interim rates to be approved by the Commission. We favor a more streamlined approach consistent with the objectives of the Water Action Plan 2005. DRA is concerned that our more streamlined approach may compromise our compliance with the statutory requirement that rates be "justified," as set forth in Section 454. Under our adopted procedure, interim rates will be implemented via advice letter, subject to refund. While our approach is a departure from D.04-08-016, it satisfies the statutory requirements set forth in Sections 455.2 and 454.

After the ALJ issues a ruling on the applicant's motion permitting interim rate relief, we authorize the applicant to file an advice letter consistent with the findings in the ALJ's rulings. The applicant's advice letter filing will be effective according to the findings of the ALJ's ruling. Under our adopted procedure and consistent with Section 455.2, the applicant's "interim rates shall be effective on the first day of the first test year in the general rate case application" as long as

the ALJ finds that applicant was not responsible for delay. In instances where there are large rate adjustments to be made at the time of implementing final GRC rates, the Commission will incorporate the time value of money that either the ratepayers or shareholders bore for the duration of the interim rate relief period.

We will continue a number of our current practices adopted under D.04-06-018 regarding interim rates. Under Section 455.2, interim rate relief is limited to the “rate of inflation.” In D.04-06-018 we adopted an index for determining the rate of inflation, the most recent 12-month ending change in the U.S. Cities CPI-U published by the U.S. Bureau of Labor Statistics. No parties commented on our proposal to rely on this index. Consistent with D.04-06-018, this index will be applied to all revenue requirement components except those items included in balancing accounts.

D. Rate Case Plan Waivers

Section 455.2(c) directs us to adopt a procedure for granting waivers to the requirement that water utilities file a GRC application every three years. Section 455.2(c) states, in pertinent part, “The plan shall include a provision to allow the filing requirement to be waived upon mutual agreement of the commission and the water corporation.”

No procedure currently exists in the RCP for such waivers. In D.06-06-037, we invalidated the RCP waiver process adopted in D.06-02-010 because we determined that parties were not afforded adequate notice and opportunity to be heard on the waiver procedure adopted in our prior RCP proceeding, R.03-09-005. In this OIR, we again proposed a procedure for obtaining such waivers.

The Joint Parties make two recommendations in response to our proposed RCP waiver procedure. The first recommendation addresses the procedure required under Section 455.2(c) to permit waivers to the triennial rate case cycle. In the OIR, we proposed that, should the water utility and the Commission (through the Executive Director) mutually agree to a waiver of the triennial GRC filing requirement, the water utility would be foreclosed from filing a GRC until its next scheduled GRC. The Joint Parties suggest that we permit a water utility to waive the triennial GRC filing for a period less than three years provided that written agreement exists between the water utility and DRA.

In response to the Joint Parties' comments, we will modify our proposal in the OIR. Under Section 455.2, the Commission can agree to permit the utility to file according to a schedule other than the triennial schedule set forth in the adopted RCP. While we do not anticipate that we would grant such requests unless special circumstances exist, we will provide for this possibility by removing the following language from the proposed RCP at Section V(1): "Granting of this request by the Executive Director will result in the waiver by the utility of rate changes until its next schedule rate case."

The Joint Parties' second recommendation addresses our proposal to authorize a water utility to waive its right to file an application and, instead, file its GRC via advice letter. The Joint Parties recommend that utilities only be permitted to file an advice letter in lieu of a GRC application under the requirements of our proposal in Section V(C) of the RCP if written agreement exists between the utility and DRA to rely on the advice letter procedure outlined therein.

We do not agree that such a modification is necessary. Presumably, the utility will seek the agreement of DRA prior to filing a GRC via advice letter

filing. Otherwise, DRA will likely protest this advice letter, which may impact the Commission's approval of the utility's request. The Joint Parties' recommendation simply seeks to formalize a matter that should more appropriately take place informally.

The Joint Parties do not comment on any other aspects of our RCP waiver procedure. No other parties comment on this topic. Accordingly, except for the above modification, our proposal remains unchanged. We note, however, that Section 455.2 authorizes the Commission to agree to waivers in certain circumstances. We now delegate to the Executive Director the authority to enter into and grant requests for the waivers set forth in Section 455.2(c). The procedures that utilities must follow to obtain such waivers can be found in Section V of the RCP.

E. Minimum Data Requirements

To streamline the formal discovery process during a GRC or a cost of capital proceeding, the OIR proposed standardized MDRs to be submitted as part of the utility's testimony in its GRC and cost of capital proceedings. We noted in the January 29, 2007 Scoping Memo that we would also consider whether the MDRs at Section II.G should direct the utility to demonstrate compliance with Section 10620 of the Water Code. Section 10620 of the Water Code requires utilities, and others, to prepare Urban Water Management Plans.

The Joint Parties make no recommendation on any matter related to the MDRs. DRA supports the MDRs but urges the Commission to incorporate portions of the Master Data Request into the MDRs or continue to require compliance with the Master Data Request. DRA submits revisions to the proposed MDRs to reflect the incorporation of critical portions of the Master

Data Request. DRA also supports our recommendation to include a provision regarding Section 10620 compliance.

CWA generally supports the proposed MDRs but finds the Master Data Request to be unnecessary with the addition of the MDRs. CWA asks that we clarify whether utilities will be required to submit both under the new RCP. CWA also asks us to clarify whether the MDRs constitute the standard by which a proposed application will be deemed complete for filing and for purposes of issuance of the required deficiency letter. In addition, CWA claims that the proposed MDR on “Conservation and Efficiency” prematurely sets a specific percentage reduction for all utilities and fails to consider the significant differences among utilities.

MPWDM generally supports the MDRs but also seeks clarification on the status of DRA’s Master Data Request.

We conclude that the MDRs, attached hereto at Appendix A (RCP Attachment 1 and Attachment 2) will apply to GRC applications and cost of capital proceedings, respectively. We further clarify that DRA’s Master Data Request is not incorporated as part of the MDRs. While we appreciate DRA’s argument that it will need additional information beyond the MDRs, DRA will continue to have the opportunity to ask for supplementary information during formal discovery. We expect parties to work cooperatively during discovery. Unreasonable delay in responding to discovery is not acceptable and will be taken into consideration should applicant seek interim rate relief under Section 455.2(b).

No party opposes our suggestion to include a compliance showing regarding Section 10620 of the Water Code. Accordingly, we will incorporate such a requirement into the MDRs. For purposes of issuance of a deficiency

letter, a proposed application will be deemed complete if all MDRs are submitted.

Lastly, we clarify the MDRs on “Conservation and Efficiency.” We expect utilities to submit plans to achieve certain water reduction goals. While we consider these goals attainable, we do not now require utilities to meet these goals.

F. Notice of Rate Increases for Utilities with Bimonthly Billing

The OIR acknowledged that, under the existing RCP, utilities relying on bimonthly billing are not afforded sufficient time to notify their customers of a proposed rate increase or of upcoming PPHs. To provide sufficient time to provide such notice, the OIR proposed to modify the RCP schedule to hold public participation hearings later.

DRA agrees that the RCP should be modified to afford utilities with bimonthly billing sufficient time to provide customer notice but that the RCP should require PPHs before DRA submits its report. The Joint Parties agree that the RCP should allow adequate time for notifying customers of rate changes. No other party addresses this issue.

We conclude that the RCP processing schedule should be modified so that utilities have more time to provide notice to customers and so that PPHs are held before DRA submits its report. Accordingly, we adopt minor modifications to the OIR proposal. The adopted schedule will also provide DRA with sufficient time to investigate any new customer concerns raised at a PPH before DRA submits its report.

G. Addition of Technical Conference

The Water Action Plan 2005 includes the broad policy objective of “reasonable rates and viable utilities.” In an effort to further this objective, the

OIR proposed to add a technical conference requirement to the RCP. The Joint Parties agree that the addition of a technical conference to the RCP would ensure that Water Division and other parties understand the utility's ratemaking models. No parties contest this suggestion. We will adopt a technical conference requirement. This technical conference will be held between the filing of reply briefs and the issuance of the proposed decision. The specific details regarding the timing of the technical conference are set forth in the RCP, attached hereto as Appendix A.

H. Water Quality Review

To improve the Commission's review of water quality, the OIR proposed that the assigned Commissioner and assigned ALJ appoint, at the utility's expense, an independent expert witness to offer evidence on the utility's water quality compliance in its GRC proceeding. This proposal is founded on *Hartwell Corp. v. Superior Court*, 27 Cal.4th 256 (2002). In *Hartwell*, the California Supreme Court held that the Commission has constitutional and statutory responsibilities to ensure that water utilities provide water that protects the public health and safety. The OIR also incorporated water quality into the MDRs and suggested that the proposed decision in a GRC proceeding make specific findings and recommendations concerning the utility's water quality compliance.

The Joint Parties agree that a water quality expert witness would provide valuable input in a GRC. The Joint Parties further suggest that such an expert witness could be a qualified representative from the Department of Health Services (DHS) or a water quality consultant recommended by DHS.

Park comments that it is unclear whether the OIR proposes that the costs of a water quality expert be recoverable in rates or by some other method.

After considering all these comments, we direct the assigned Commissioner or the assigned ALJ to any Class A water utility GRC proceeding to appoint a water quality expert to provide evidence to assist us in making specific findings and recommendations concerning a utility's water quality compliance. If needed, this water quality expert will submit written testimony and be subject to cross-examination in accordance with the Rules of Practice and Procedure. In contrast to our proposal in the OIR, we do not expect the utilities to pay for this expert witness. To facilitate our oversight of water quality, the Commission's Water Division will enter into any required contracts with qualified water quality experts. The Water Division will oversee these contracts. We also will incorporate water quality into the MDRs and require that any proposed decision in a GRC proceeding make specific findings and recommendations concerning the utility's water quality compliance.

Finally, DHS offered support for certain additions to our MDRs that we included in the OIR. CWA, in its reply comments, agreed with the suggestions of DHS. As a result, as proposed in the OIR, we will require utilities to respond to certain water quality matters in their GRCs. These matters are set forth in the MDRs.

I. Reduction of Unaccounted Water

The OIR notes that since 1991 many water utilities have used the CUWCC's BMP 3, "Water Loss, System Water Audits, Leak Detection and Repair," to determine whether unaccounted water loss in the system exceeds 10%. As we noted in the OIR, BMP 3 has been criticized because it is based on a pre-screening test and, if improperly performed or manipulated, BMP 3 allows the water utility to avoid a full audit, even in situations where the recovery of lost water would be economically beneficial to the utility. To address this

criticism (as well as for other reasons), CUWCC is considering adopting a new water loss audit methodology in a revised BMP 3. The new water loss audit methodology under consideration by CUWCC is derived from the American Water Works Association's (AWWA) standard methods for water auditing which is based upon the International Water Association's (IWA) Best Management Practice (herein the "AWWA/IWA audit methodology").

The OIR proposed the AWWA/IWA audit methodology, due to the clear resulting benefits, even though CUWCC is still in the process of considering whether to revise the BMP 3. Specifically, under the new methodology, Class A water utilities would perform and submit the results of a water loss audit as part of the GRC application and testimony.

The Joint Parties recommend that, until the CUWCC adopts changes, if any, to its BMP 3 to include this new methodology, the Commission continue to require Class A water utilities to comply when cost-effective with the existing CUWCC BMP 3. The Joint Parties suggest that it would be premature for the Commission to require utilities to comply with this new methodology. The revisions to BMP 3 are ongoing and may be significant based on the failure of this new methodology to consider the limited capital planning horizon of investor-owned utilities.

MPWMD supports the use of the new methodology. MPWMD suggests that any reduction in unaccounted water will improve service quality to customers. As a result, customers may be less adverse to rate increases.

We conclude that the concerns of the Joint Parties have merit. CUWCC is reviewing the AWWA/IWA audit methodology, and some problems may exist as it applies to utilities. We will not adopt any new requirements for unaccounted water at this time.

However, the current BMP 3 is ineffective in encouraging water utilities to reduce water losses, as the 10% unaccounted water target can be easily achieved through the manner in which unaccounted water is reported. The BMP 3 language dates back to 1991 and reflects the methodology for system water auditing and leak deduction included in the AWWA M 36 manual at that time. The AWWA M 36 manual is currently being revised, and will have the same unaccounted water requirements as the revised BMP 3 once both the M 36 manual and BMP 3 revisions are approved, which is expected to happen by early 2008. Consequently, water utilities shall be required to comply with the M 36 manual and BMP 3 as they are stated currently and to further comply when revised. During this interim period, as set forth in the MDRs, water utilities will be required to use the free Water audit software developed by AWWA.⁷ Consistent with the Water Action Plan 2005, we are concerned about avoidable unaccounted water and seek to make improvements in this area.

J. Alternative Dispute Resolution

The OIR proposed that the RCP include an ADR process. Under the proposal in the OIR, an initial meeting among the active parties and an ALJ neutral is mandatory.

The Joint Parties generally agree with the ADR proposal in the OIR but suggest that, after the initial meeting, participation in the ADR process be optional, not mandatory. The Joint Parties believe that unless both DRA and the utility agree to rely on the ADR process, the process will not be useful or successful. MPWMD supports the use of ADR, especially if the meeting dates

⁷ The software is available at:

http://www.awwa.org/WaterWiser/waterloss/Docs/031WA_AWWA_Method.cfm.

for ADR are scheduled at the same time and place as other meetings, such as PHCs or PPHs.

Under the proposal in the OIR, the ALJ neutral assigned to a particular GRC proceeding would determine whether ADR will be mandatory or optional. We adopt this rule and will make minor modifications to clarify the role of the ALJ neutral. While the Joint Parties may be correct that mandatory ADR will yield no results, we believe that the ALJ neutral is best able to make this determination based on the ALJ neutral's understanding of the circumstances of each case. Consistent with the Water Action Plan 2005, we intend to rely on the ADR process to streamline the GRC process. Accordingly, the first scheduled ADR meeting will be mandatory and subsequent meetings will be arranged by the assigned ALJ neutral as appropriate.

IV. Workshop

We have also concluded that while the MDRs provide us with a substantial amount of information, water utilities may continue to provide that information to us in a variety of formats. As a result, Water Division may spend valuable time comparing these different formats when this time could be better spent. We are particularly concerned with establishing a consistent format for submitting financial data in a GRC application. For this reason, we direct Water Division to convene workshops to develop a uniform method for reporting summary of earnings and other associated information in support of GRC applications.

V. Comments on Proposed Decision

The proposed decision of the assigned Commissioner in this matter was mailed to the parties in accordance with Section 311 of the Public Utilities Code and Rule 14.2(a) of the Commission's Rules of Practice and Procedure.

Comments were filed on _____, and reply comments were filed on _____ by _____.

VI. Assignment of Proceeding

John A. Bohn is the assigned Commissioner and Regina M. DeAngelis is the assigned ALJ in this proceeding.

VII. Categorization and Need for Hearing

In the OIR, the Commission preliminarily determined the category of this rulemaking proceeding to be quasi-legislative as the term is defined in Rule 1.3(d) of our Rules of Practice and Procedure. Today we affirm this categorization. Consistent with the preliminary determination in the OIR that no formal hearing was needed in this proceeding, as confirmed by the January 29, 2007 Scoping Memo, no hearing was held in this proceeding.

Findings of Fact

1. In D.04-06-018, we adopted the first RCP for Class A water utilities.
2. Since D.04-08-016, all Class A water utilities have had the opportunity to file and process at least one GRC.
3. On December 15, 2005, we adopted a Water Action Plan.
4. The four key principles of this Plan are (1) safe, high quality water; (2) highly reliable water supplies; (3) efficient use of water; and (4) reasonable rates and viable utilities.
5. The Plan also includes six objectives: (1) maintain the highest standards of water quality; (2) strengthen water conservation programs to a level comparable to those of energy utilities; (3) promote water infrastructure investment; (4) assist low income ratepayers; (5) streamline Commission regulatory decision-making; and (6) set rates that balance investment, conservation, and affordability.

6. On December 14, 2007, we issued this Order Instituting Rulemaking to build upon the process started by the Water Division to incorporate the goals of the Water Action Plan 2005 into the RCP.

7. After carefully reviewing all the comments and reply comments filed by parties on February 21 and 28, 2007 to the draft proposed RCP attached to the OIR, we adopt a new RCP.

8. The Joint Parties agreed to very few details regarding our proposal set forth in the OIR.

9. Today's decision supersedes D.04-06-018.

Conclusions of Law

1. The RCP is consistent with the Water Action Plan 2005.
2. The RCP is consistent with the requirements of Section 455.2.
3. The RCP procedures for addressing rate adjustments during the transitional period are consistent with Section 455.2.
4. The RCP interim rate process under Section 455.2(a) and (b) only applies during a pending GRC when the applicant anticipates that the Commission's decision will not be effective on the first day of the first test year in a general rate increase application.
5. Our process for obtaining interim rates while a GRC is pending upholds the statutory requirements set forth in Sections 455.2 and 454.
6. Consistent with Section 455.2, we adopt a procedure for waiver of certain RCP requirements.
7. The Minimum Data Requirements, attached hereto at Appendix A (RCP Attachment 1 and Attachment 2) will apply to GRC applications and cost of capital proceedings, respectively.

O R D E R

IT IS SO ORDERED that:

1. The Rate Case Plan for Class A Water Utilities, including the Minimum Data Requirements, attached hereto as Appendix A is adopted.
2. This Rate Case Plan supersedes the Rate Case Plan adopted by Decision 04-06-018.
3. The Rate Case Plan furthers the policy objections set forth in the Water Action Plan 2005 as it promotes timely processing of cases, balances the workload of the Commission and its staff over time, and enables comprehensive review by the Commission of rates and operations of all Class A Water Utilities.
4. All Class A water utilities shall comply with the filing schedule and all other general rate case requirements as set forth in the Rate Case Plan.
5. All Class A Water Utilities must submit a proposal to adjust cost of capital in their first cost of capital applications filed under this RCP, as described herein.
6. We delegate to the Executive Director the authority to enter into and grant requests for the waivers set forth in Section 455.2(c).
7. To facilitate our oversight of water quality during GRCs for Class A Water Utilities, we direct the Commission's Water Division to enter into any required contracts with qualified water quality experts. We direct the Water Division to oversee these contracts.
8. The Commission's Water Division shall convene workshops to develop a uniform method for reporting summary of earnings and other associated information in support of GRCs filed by Class A Water Utilities. The Water Division shall report its recommendations to us within 180 days of this decision.
9. This proceeding is closed.
10. This order is effective today.

Dated _____, 2007, at San Francisco, California.

APPENDIX A

Rate Case Plan for Class A Water Utilities

General Rate Applications

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I. Introduction

This Rate Case Plan (RCP) supersedes the RCP adopted by Decision (D.) 04-06-018, as modified by D.06-02-010 and D.06-06-037. Consistent with Section 455.2 of the Public Utilities Code⁸ and the Commission's Water Action Plan 2005, this RCP promotes timely processing of general rate cases (GRCs), balances the workload of the Commission and its staff over time, and facilitates comprehensive Commission review of the rates and operations of all Class A water utilities.

II. General Rate Case Structure and Process

A. Filing Schedule

Under the RCP, each Class A water utility is scheduled to file a GRC once every three years, with certain exceptions, as specified in Section VI, below. During the transition to this RCP, Section VI may, in some instances, schedule a GRC application for a particular utility before or beyond the three years. In those instances, the water utility is permitted to act consistent with Section II. B, below.

The RCP processing period for utilities will be either 14 months or 20 months, beginning with the submission date of the proposed application and ending with the expected effective date of final rates. The 14-month or 20-month processing period will apply as set forth below.

The deadline for the utility to submit its proposed application is either November 1 or May 1 with the requisite application being filed on the following January 1 and July 1, respectively, as provided below. All references to the first day of the month for the filing deadlines herein means the first Commission business day of the month.

⁸ All subsequent section references are to the Public Utilities Code unless otherwise indicated.

B. Procedure to Address Delay Beyond the Three-Year GRC Cycle and to Forego a Scheduled GRC

A water utility that experiences a delay beyond three-years in filing a GRC application due to the transition to the RCP schedule may seek to implement an interim rate change via a Tier 2 Advice Letter.

Such filing will not excuse a utility from filing its future GRCs according to the RCP schedule. These interim rates, when approved, will be subject to refund and shall be adjusted upward or downward back to the effective date of the interim rates with the adoption of final rates by the Commission at the conclusion of a GRC scheduled under the RCP.

The procedures herein will only apply during our transition to the RCP in instances when this RCP schedule delays a GRC for any water utility beyond the three-year cycle set forth in Section 455.2.

In any GRC under this RCP, the utility may choose to forgo review of rates for a district when the adopted rates are for a test year less than three years prior. In these circumstances, the utility does not need to include responses to the Minimum Data Requirements for such district in a proposed application addressing multiple districts. The utility shall advise the Commission of its decision to forego a GRC by letter to the Water Division Director.

C. Cost of Capital Applications

The three largest Class A water utilities, California American Water Company, California Water Service Company, and Golden State Water Company, are directed to file a cost of capital application on May 1, 2008 and on a triennial basis thereafter.⁹ The Commission will consolidate these three cases. The utilities shall include in this May 1, 2008 filing a proposal to annually update the authorized capital structure. This mechanism will apply between triennial proceedings. The Commission will adopt such a mechanism in the May 2008 proceeding.

⁹ For the first cost of capital applications filed under this RCP, the utilities shall serve their applications on the service list to R.06-12-016.

All the remaining Class A water utilities will file a cost of capital application on May 1, 2009 and on a triennial basis thereafter. The Commission will consolidate these cases. The utilities shall include in the May 2009 filing a proposal to annually update the authorized capital structure. This mechanism will apply between triennial proceedings. The Commission will adopt such a mechanism in the May 2009 proceeding.

D. The Record for a GRC Proceeding

Informal communications between applicant, DRA, and other interested parties are encouraged at all stages of the proceedings, including the proposed application review period. Informal communication is encouraged to facilitate a better understanding of the positions of the parties, avoid or resolve discovery disputes, and eliminate unnecessary litigation. However, all information necessary for the Commission to make its decision must be included in the formal record. While the Commission supports alternative forms of dispute resolution for GRC filings, any resulting agreement, and the record on which it is based, must meet all applicable Rules of Practice and Procedure as well as the Commission's standard for settlements. A complete comparison exhibit for each district, with supporting rationale, is essential for any settlement agreement.

III. Schedule Summary

The schedule for processing GRC applications is set out below. By mutual agreement, DRA and the utility may modify the date for filing the proposed application. The assigned ALJ and/or Commissioner shall set the final schedule for each proceeding at or after the Prehearing Conference (PHC).

| Event | 14-month Schedule | 20-month Schedule | |
|---|------------------------------|------------------------------|-----------------------------|
| Proposed Application Tendered | -60 | -60 | |
| Deficiency Letter Mailed | -30 | -30 | |
| Appeal to Executive Director | -25 | -25 | |
| Executive Director Acts | -20 | -20 | |
| Application Filed/Testimony Served | 0 | 0 | |
| PHC Start Date | 5-75 | 5-75 | |
| Update of Applicant's Showing | 45 | 100 | |
| Public Participation Hearings (as needed) | 5-90 | 5-190 | |
| DRA Testimony | 97 | 204 | |
| Other Parties Serve Testimony | 97 | 218 | |
| Rebuttal Testimony | 112 | 264 | |
| ADR Process (as appropriate) | 115-125 | 270-290 | |
| | | | Cost of Capital |
| Evidentiary Hearings (if required) | 126-130 | 290-310 | May 1 on triennial basis |
| Opening Briefs Filed and Served | 160 | 340 | |
| Reply Briefs Filed and Served (with Comparison Exhibit) | 175 | 350 | |
| Water Division Technical Conference | 180 | 370 | |
| Proposed Decision Mailed | 240 | 460 | |
| Comments on Proposed Decision | 260 | 480 | |
| Reply Comments | 265 | 485 | |
| Commission Meeting | 280 | 500 | |

IV. Detailed Schedule

A. Proposed Application Tendered Day 60 (All Applications)

1. Filing Dates of Proposed Application

No later than November 1 for water utilities scheduled to file the final application in January. No later than May 1 for water utilities scheduled to file in July.

2. Number of Copies of Proposed Application

The original signed copy of the proposed application shall be tendered to the Commission's Docket Office. Prepared testimony supporting the proposed application shall not be tendered to the Docket Office. Four copies of the proposed application and supporting testimony shall be provided to DRA for single district filings, five copies for multi-district filings, and one copy to the Commission's Legal Division and Water Division. DRA shall be provided with one full paper copy set of workpapers. A searchable electronic copy (via email or CD) of the proposed application, supporting testimony, and workpapers shall be provided to DRA on the filing date. Applicant shall furnish copies of the proposed application, supporting testimony, and workpapers to interested parties upon written request.

3. Content of Proposed Application and Supporting Prepared Testimony

A utility's proposed application for a rate increase must identify, explain, and justify the proposed increase. The proposed application shall include a proposed schedule consistent with the RCP with a test period consistent with the RCP. The proposed application shall include, but not be limited to, the information set forth in Attachment 1, Minimum Data Requirements. The utility is not required to follow the order of information in Attachment 1, but must include a cross-reference to where each of the Minimum Data Requirements is set forth in its testimony. The Presiding Officer may ask for summary sheets of each district in a consolidated case or request that the application be filed in a particular format that facilitates review. The utility bears the burden of proving that its proposed rate increase is justified and must include in the proposed application and supporting testimony, all information and analysis necessary to meet this burden.

4. DRA Evaluation of Proposed Application

Within -30 days (All Applications)

DRA will review and evaluate the proposed application to determine whether the proposed application complies with the Minimum Data Requirements. No later than 30 days after the proposed application is tendered, DRA will inform the utility in writing whether the proposed application complies. If DRA determines that the proposed application complies with these Minimum Data Requirements, then DRA will notify the Commission's docket

office to accept for filing a GRC application from that utility at any time within the following 30 days. If DRA determines that the proposed application does not comply with the MDR, then DRA will issue a deficiency letter.

B. Deficiency Letter Issued

Day 30 (All Applications)

No later than 30 days after the proposed application is tendered, DRA shall issue any deficiency letter. DRA shall also transmit a courtesy electronic copy of the letter to the utility's representative on the day of issuance. The deficiency letter shall include a list of the topics on which the proposed application is deficient. To the extent known, DRA shall describe the information and analysis needed to cure the deficiencies. Upon request, DRA shall promptly meet and confer with the utility. Unless and until the defects listed in the deficiency letter are resolved pursuant to the appeals process or cured, the Commission will not accept the GRC application for filing.

For purposes of the RCP, a deficiency is a material omission of any Minimum Data Requirement from the proposed application, supporting testimony, or workpapers. A deficiency is not a subjective determination that the proposed application or submitted documents, including workpapers, do not adequately support the utility's request or are non-responsive to the RCP filing requirements. Failure to respond to a data request for information beyond the Minimum Data Requirements is not a requirement of the RCP and failure to respond to a data request is not a deficiency.

The following examples are not deficiencies: 1) a request by DRA for clarification of the utility's submitted prepared testimony or supporting calculations, unless the submitted materials overall were disorganized or unclear; 2) use of recorded or estimated data for subjects that are not required under the RCP; and 3) a determination by DRA that a proposed position is incorrect or inadequately supported by the testimony and/or workpapers and therefore requires additional information to evaluate. These are not deficiencies for the purpose of accepting the proposed application.

C. Appeal to Executive Director**Day 25 (All Applications)**

If the utility disagrees with any or all defects listed in the deficiency letter, the utility may file and serve an appeal to the Executive Director. Service shall include copies to the Executive Director, the Director of the Water Division, the Assistant Chief ALJ (Water), and DRA. The utility shall concisely identify the points in the deficiency letter with which it disagrees and shall provide all necessary citations and references to the record to support its claim.

D. Executive Director Acts**Day 20 (All Applications)**

No later than five days after the appeal is filed, the Executive Director shall act on the appeal by a letter ruling served on all parties. Electronic courtesy copies shall also be provided on the day of issuance.

E. Application Filed**Day 0 (All Applications)**

No later than 60 days after the proposed application is tendered and DRA has notified the Docket Office that the proposed application is not deficient, the utility may file its GRC application consistent with Rule 1.13 of the Rules of Practice and Procedure¹⁰ or electronically consistent with the requirements of Resolution ALJ-188.

Supporting testimony shall not be filed with the Docket Office but shall be served on all parties including the Presiding Officer or, if one is not yet assigned, the Chief ALJ. Applications must conform with all applicable Rules, including Rule 1.5, which indicates that font type must be no smaller than 10 points. All data included in the application and testimony shall be updated to include information that was not available when the proposed application was tendered, and all such changes shall be quantified and explained in a comparison exhibit.

¹⁰ Unless otherwise noted, all subsequent references to “Rules” or “Rule” are to the Commission’s Rules of Practice and Procedure.

The application shall conform to the content of the proposed application and supporting testimony, and shall include final versions of the exhibits provided in the proposed application. The utility shall serve copies of its application in accordance with the same directives, set forth above, applicable to the proposed application.

F. Updates

Day 45 (14-month schedule)

Day 100 (20-month schedule)

Up to 45 days or 100 days after filing, as applicable, more recent recorded data used in the application/testimony may be provided by the utility. More recent recorded data are utility plant or expense account balances showing actual historical amounts. The more recent recorded data must be used in the same manner and for the same purpose as the data included in the original application/testimony. New or additional items or forecasted costs are not updates to recorded data and will not be accepted.

Under extraordinary circumstances, a water utility may seek discretionary post-application modifications. Any such request must, at a minimum, show that the addition sought: (1) causes material changes in revenue requirement; (2) is the result of unforeseeable events; (3) is not off-set by other cost changes; and (4) can be fairly evaluated with proposed schedule changes that have been agreed to by all parties. Any such request shall be made by written motion, with an opportunity for other parties to respond, as provided in the Rules. The Presiding Officer shall rule on the motion and, if the motion is granted, shall provide the other parties with a reasonable amount of time to respond to the updated information. The Presiding Officer shall set a revised schedule, if appropriate.

G. PHC Held

Day 5 - 75 (All Applications)

The assigned Commissioner and/or ALJ shall convene a PHC and set the procedural schedule for the proceeding. At the PHC, the Presiding Officer and the parties will discuss Alternative Dispute Resolution (see below) and the scope of the proceeding, the timing, process, and appointment of an independent water quality expert to assist the Commission with its assessment of water quality

compliance. The PHC will most likely, but not necessarily, be scheduled after the expiration of the protest period.

H. Public Participation Hearings, if applicable

Day 5-90 (14-month schedule)

Day 5-190 (20-month schedule)

The schedule may include Public Participation Hearings if necessary due to public interest. The ALJ and/or Commissioner may also direct the applicant to make information about the rate case available to the public via other communication channels, including the Internet and other means of public outreach. The applicant shall provide notice of the hearings in accordance with Rule 3.2 and any supplemental procedures directed by the Presiding Officer pertaining to notice of hearings.

I. Distribution of DRA Testimony

Day 97 (14-month schedule)

Day 204 (20-month schedule)

DRA shall serve prepared testimony on the service list to the proceeding consistent with Rules 1.9 and 1.10. Two paper copies shall be served on the Presiding Officer. Workpapers shall be served on all service list appearances. DRA shall arrange its workpapers in an organized and logical fashion.

J. Distribution of Testimony by Other Parties

Day 97 (14-month schedule)

Day 218 (20-month schedule)

Any interested parties shall serve their prepared testimony on the service list to the proceeding consistent with Rules 1.9 and 1.10. Two paper copies shall be served on the Presiding Officer. Workpapers shall be served on all appearances. Parties shall arrange workpapers in an organized and logical fashion.

K. Distribution of Rebuttal Testimony

Day 112 (14-month schedule)

Day 264 (20-month schedule)

Rebuttal testimony may be prepared by any party and shall be served on the service list consistent with Rules 1.9 and 1.10. Two paper copies shall be served on the Presiding Officer. Workpapers shall be served on service list appearances.

L. Alternative Dispute Resolution (ADR)

Days 115-125 (14-month schedule)

Days 270-210 (20-month schedule)

ADR will be explained by the Presiding Officer at the initial PHC and addressed in the scoping memo. An ALJ neutral will be appointed to meet with the parties as needed throughout the proceeding. Specific ADR processes will be held during the period between rebuttal testimony and the evidentiary hearing. The ALJ neutral and the parties will plan and schedule the specific ADR processes that are appropriate for that proceeding. These methods may include facilitation, mediation, or early neutral evaluation conducted by an ALJ neutral not assigned to the proceeding. All active parties must participate in an initial session of ADR and each active party must have an official at such meeting with decision-making authority. Unless the parties agree otherwise, all ADR sessions will be confidential and the communications will not be used in the formal proceeding. For additional information on the Commission's ADR program, see Resolution ALJ-185.

M. Evidentiary Hearings

Day 126-130 (14-month schedule)

Day 290-310 (20-month schedule)

The Presiding Officer shall preside over evidentiary hearings and shall take evidence to prepare the formal record. At the conclusion of the hearings, the Presiding Officer shall set the briefing schedule and set the date for submission of the case for decision by the Commission, consistent with the RCP processing schedule herein.

N. Opening Briefs Filed and Served

Day 160 (14-month schedule)

Day 340 (20-month schedule)

The parties may file concurrent opening briefs setting out their recommendations on specific issues, with supporting references to the record. The applicant shall include a comprehensive discussion of the issues and shall address in detail each issue identified as “contentious” in the application. The Presiding Officer may adopt a uniform briefing outline for use by all parties.

O. Reply Briefs Filed and Served**Day 175 (14-month schedule)****Day 350 (20-month schedule)**

Each party may file a brief that responds to the issues raised by other parties in opening briefs. The applicant, DRA, and other active parties shall prepare and submit a Joint Comparison Exhibit showing complete comparison tables for the test and escalation years. The tables shall show each party’s final position on each component of revenue requirement and shall identify all remaining major disputed issues, and the dollar amounts associated with each disputed issue. All major revisions to a party’s position on an issue shall be explained. The tables shall consolidate the two test years and one attrition year methodology for capital additions with the one test year and two escalation years program for expenses to show a complete projected revenue requirement for each of the three years in the cycle. Final adjustments to balancing or memorandum accounts that have been approved by DRA may be incorporated in the Joint Comparison Exhibit.

P. Water Division Technical Conference**Day 180 (14-month schedule)****Day 370 (20-month schedule)**

Water Division shall host a Technical Conference following submission of the case to review the ratemaking models utilized by the parties in the case in order to assist the Presiding Officer in the preparation of tables for the Proposed Decision.

Q. Presiding Officer’s Proposed Decision Mailed**Day 240 (14-month schedule)****Day 460 (20-month schedule)**

The Presiding Officer's proposed decision shall be filed and served consistent with applicable laws and regulations.

In addition to relevant issues raised in the proceeding, each decision: (1) shall discuss utility's district-by-district compliance with water quality standards as required by General Order 103; and (2) unless deviation is otherwise expressly justified in the decision, shall include standard ordering paragraphs providing for escalation year increases subject to an earnings test. A sample ordering paragraph is set out in the footnote.¹¹

R. Comments on Proposed Decision

Day 260 (14-month schedule)

Day 480 (20-month schedule)

Comments on the proposed decision shall be filed and served on all parties consistent with Commission Rules.

S. Reply Comments

Day 265 (14-month schedule)

Day 485 (20-month schedule)

As provided in Commission Rules, the parties may file and serve replies to comments on the proposed decision.

¹¹ Sample Ordering Paragraph: An escalation advice letter, including workpapers, may be filed in accordance with General Order (GO) 96-B no later than 45 days prior to the first day of the escalation year. To the extent that the pro forma earnings test for the 12 months ending September 30, as adopted in D.04-06-018, exceeds the amount authorized in this decision, the requested increase shall be reduced by the utility from the level authorized in this decision to conform to the pro forma earnings test. Advice letters filed in compliance with this decision shall be handled as Tier 1 filings, effective on the first day of the test year. Advice letters not in compliance with this decision will be rejected consistent with GO 96-B.

T. Expected Commission Meeting

Day 280 (14-month schedule)

Day 500 (20-month schedule)

The proposed decision may be on the agenda for the first regularly scheduled meeting of the Commission occurring 30 or more days after the date the proposed decision is issued.

V. RCP Deviations and Waivers

This section describes possible deviations from the RCP schedule and the procedure by which a utility may seek a deviation or waiver from the RCP schedule or other certain requirements.

A. Waiver of Scheduled GRC Filing

The utility may seek waiver of a GRC application scheduled under the RCP by letter to the Executive Director. Such letter shall be sent to the Executive Director no later than 90 days prior to the scheduled application filing date with a copy to the Chief ALJ, Water Division Director, DRA Director, and the service list of the most recent GRC. The scheduled GRC filing will be waived upon mutual agreement of the Commission and the water utility. The Executive Director will report to the Commission at the next scheduled Commission meeting the disposition of any requests for waiver of the three year filing requirement.

B. Authority to file GRC by Advice Letter in Lieu of Application

The utility may file an advice letter in lieu of an application if all of the following circumstances are met:

1. the utility tenders its proposed application;
2. the proposed application is found to be complete;
3. the proposed application consists of a single ratemaking district; and
4. the requested change in revenue requirement is 5% or less.

If the utility meets these criteria, it may, on its specified application filing date under the RCP, file its GRC by advice letter rather than by application, but it must continue to comply with the RCP Minimum Data Requirements in its advice letter filing. The utility shall notify the Commission's Executive Director by letter with a copy to the Chief ALJ, Water Division Director, DRA Director, and Docket Office no later than five days before the application due date whether it will file an application or advice letter. The GRC Advice Letter will be processed as a Tier 3 Advice Letter.

C. Filing a GRC by Advice Letter in Lieu of Application with Prior Approval

If subsection b (1)-(4), above, are not satisfied, the filing of an advice letter in lieu of an application is permitted only if prior Commission approval is obtained. The utility shall file an advice letter seeking authority to file its GRC by advice letter no later than 90 days prior to the due date for its application for GRC. The utility must continue to prepare its proposed application consistent with the RCP and Minimum Data Requirements while its advice letter seeking approval for the waiver is pending. The advice letter will be processed as a Tier 3 Advice Letter. If the Resolution denies the request, the utility shall file its GRC application as specified in the RCP. If the Commission grants the utility's request, the GRC Advice Letter will be processed as a Tier 3 and the filing requirements set forth in subsection B shall apply.

D. Interim Rates while a GRC is Pending

This interim rate process only applies during a pending GRC when the applicant anticipates that the Commission's decision will not be effective on the first day of the first test year in a general rate increase application. This procedure is adopted pursuant to Section 455.2(a) and (b).

Should an applicant seek interim rate relief, the applicant must file a motion for interim rate relief any time between the end of evidentiary hearings to and including the date for filing opening briefs. Responses to this motion will be permitted, consistent with the Rules. The motion shall address the degree, if any, that applicant was responsible for delay during the proceeding, the requested rate of increase (not to exceed the rate of inflation), and a proposed effective date for interim relief.

In response to this motion, the Presiding Officer will issue a ruling. The ruling will determine whether the applicant was responsible for the delay in implementing rates, determine if applicant's requested rates are appropriate, and set a specific effective date for interim rates.

After a ruling is issued on the applicant's motion permitting interim rate relief, the applicant may file an advice letter consistent with the ruling. The applicant's advice letter filing will be effective according to the findings of the ruling. Under our adopted procedure and consistent with Section 455.2, the applicant's "interim rates shall be effective on the first day of the first test year in the general rate case application" as long as the Presiding Officer finds that applicant was not responsible for delay.

Under Section 455.2, interim rate relief is limited to the "rate of inflation." The index for determining the rate of inflation will be the most recent 12-month ending change in the U.S. Cities CPI-U published by the U.S. Bureau of Labor Statistics.

In instances where there are large rate adjustments to be made at the time of implementing final GRC rates, the Commission will incorporate the time value of money that either the ratepayers or shareholders bore for the duration of the interim rate relief period.

SCHEDULE

| Utility | Districts | GRC Filing Date | Cost of Capital Filing Date | Effective Date |
|-------------------------|----------------------|------------------------|------------------------------------|-----------------------|
| FIRST CYCLE | | | | |
| Cal Water | 8 & GO | July 1, 2007 | May 1, 2008 | January 1, 2009 |
| Cal Am | (3)(2) ¹² | January 1, 2008 | May 1, 2008 | July 1, 2009 |
| Apple Valley (Park) | 1 | January 1, 2008 | May 1, 2009 | January 1, 2009 |
| Suburban | 1 ¹³ | January 1, 2008 | May 1, 2009 | January 1, 2009 |
| San Gabriel (LA) & (FO) | 2 ¹⁴ | January 1, 2008 | May 1, 2009 | July 1, 2009 |
| | | | | |
| Golden State | 16 ¹⁵ | July 1, 2008 | May 1, 2008 | January 1, 2010 |
| Cal Am | 3 | January 1, 2009 | May 1, 2008 | July 1, 2010 |
| Park | 1 | January 1, 2009 | May 1, 2009 | January 1, 2010 |
| Great Oaks | 1 ¹⁶ | January 1, 2009 | May 1, 2009 | January 1, 2010 |
| San Jose | 1 | January 1, 2009 | May 1, 2009 | January 1, 2010 |
| Cal Water | 24 ¹⁷ | July 1, 2009 | May 1, 2008 | January 1, 2011 |
| Valencia | 1 ¹⁸ | January 1, 2010 | May 1, 2009 | January 1, 2011 |
| SECOND CYCLE | | | | |
| Cal Am | All | July 1, 2010 | May 1, 2011 | January 1, 2012 |
| San Gabriel (LA) & (FO) | 2 | January 1, 2011 | May 1, 2012 | July 1, 2012 |
| Apple Valley (Park) | 1 | January 1, 2011 | May 1, 2012 | January 1, 2012 |

¹² Two California American districts moved forward from January 1, 2010 in superseded RCP.

¹³ Suburban moved forward from July 2008 in superseded RCP.

¹⁴ San Gabriel (LA) is delayed six months based on superseded RCP and San Gabriel (FO) is moved forward six months based on the superseded RCP.

¹⁵ Eight Golden State Water Company districts, Region III, delayed six months beyond triennial filing cycle from superseded RCP and eight other districts, Region II, moved forward six months from superseded RCP.

¹⁶ Great Oaks delayed six months beyond triennial filing cycle from superseded RCP.

¹⁷ Eight California Water Service Company districts delayed one-year beyond triennial filing cycle from superseded RCP.

¹⁸ Six month delay for Valencia based on prior RCP.

| Utility | Districts | GRC Filing Date | Cost of Capital Filing Date | Effective Date |
|------------------------|------------------|------------------------|------------------------------------|-----------------------|
| Suburban | 1 | January 1, 2011 | May 1, 2012 | January 1, 2012 |
| Golden State | 16 | July 1, 2011 | May 1, 2011 | January 1, 2013 |
| Park | 1 | January 1, 2012 | May 1, 2012 | January 1, 2013 |
| Great Oaks | 1 | January 1, 2012 | May 1, 2012 | January 1, 2013 |
| San Jose | 1 | January 1, 2012 | May 1, 2012 | January 1, 2013 |
| Cal Water | 24 | July 1, 2012 | May 1, 2011 | January 1, 2014 |
| Valencia | 1 | January 1, 2013 | May 1, 2012 | January 1, 2014 |
| THIRD CYCLE | | | | |
| Cal Am | All | July 1, 2013 | May 1, 2014 | January 1, 2015 |
| | | | | |
| San Gabriel(LA) & (FO) | 2 | January 1, 2014 | May 1, 2015 | July 1, 2015 |
| Apple Valley (Park) | 1 | January 1, 2014 | May 1, 2015 | |
| Suburban | 1 | January 1, 2014 | May 1, 2015 | January 1, 2015 |
| Golden State | 16 | July 1, 2014 | May 1, 2014 | January 1, 2016 |
| Park | 1 | January 1, 2015 | May 1, 2015 | January 1, 2016 |
| Great Oaks | 1 | January 1, 2015 | May 1, 2015 | January 1, 2016 |
| San Jose | 1 | January 1, 2015 | May 1, 2015 | January 1, 2016 |
| Cal Water | 24 | July 1, 2015 | May 1, 2014 | January 1, 2017 |
| Valencia | 1 | January 1, 2016 | May 1, 2015 | January 1, 2017 |

VI. Escalation and Attrition Advice Letter Procedure

The most recent memorandum entitled, “Estimates of Non-labor and Wage Escalation Rates” as described in D.04-06-018, shall be used for Escalation Years 1 and 2 rate increase requests and shall be sought by Tier 1 Advice Letter no later than 45 days prior to first day of the escalation year. The advice letter filing shall include all calculations and documentation necessary to support the requested rate change. The requested rate increase shall be subject to the pro forma earnings test, as specified in D.04-06-018. Revenue requirement amounts otherwise subject to rate recovery, e.g., through balancing or memorandum accounts, shall not be subject to escalation.

All rate base items, including capital additions and depreciation, shall not be escalated but rather shall be subject to two test years and an attrition year, consistent with D.04-06-018. If the Escalation Year and Attrition Year Advice Letters are in compliance with this decision, GO 96-B, and other requirements, the advice letter shall be effective on the first day of the escalation or attrition year, consistent with the procedures set forth in GO 96-B.

Class A Water Utilities
Rate Case Plan
Attachment 1 of 2

**Minimum Data Requirements for Utility
General Rate Case Application and Testimony**

The Water Action Plan adopted on December 15, 2005 includes four principles: (1) safe high quality water; (2) highly reliable water supplies; (3) efficient use of water; and (4) reasonable rates and viable utilities. In order to ensure that Class A water utilities adhere to the four principles as well as providing sufficient information to promote sound decision-making, the following information must be included in the utility's Results of Operations Report when a GRC is filed. Testimony served concurrently with the GRC application must include data responsive to the specific topics and questions listed below. The application and testimony need not respond to the Minimum Data Requirements in the order presented below, but must include a cross reference that identifies where each topic and question is addressed and the cross-reference document will become part of the formal record. When filing a multi-district GRC, the utility must provide responses both on a company aggregate and individual district basis.

I. General Rate Case Application Requirements

The application must contain the following summary information:

A. Summary of Requested Revenue Requirement and Rate Base Changes

Compare the proposed amounts to the last adopted and last recorded amounts to determine the difference in dollars and percentages. Show the difference, i.e., the proposed change, in a table, as set out below.

| Comparison Between Proposed Test Year and Last Test Year Adopted and Last Recorded Year | | | Proposed Test Year |
|--|----------------|----------------------------------|-----------------------|
| | Last Test Year | Last Recorded Year ¹⁹ | |
| Total Rev Req \$ | | | |
| Rate Base \$ | | | |
| Rate Base % | | | |
| Operating Expenses \$ | | | |
| Operating Expenses % | | | |
| Rate of Return | | | |

B. Primary Cost Increases

List the five most significant issues, in dollar terms that the utility believes require a rate change. Identify the cause of cost increases.

C. Issues of Controversy

List the major controversial issues included in the GRC filing. Include the dollar impact of these issues, and a brief summary of the utility's rationale on this subject.

D. Proposed Notice to Customers

Include in the proposed application proposed notices to customers that will be submitted for review by the Commission's Public Advisor upon filing of the application. The proposed notices should describe the reasons for the requested rate change and estimated average bill changes for a typical customer in each district by customer class.

¹⁹ Use most recent 12 months of available data; revise with complete calendar year data when available.

II. Testimony Requirements

A. Basic Information

All significant²⁰ changes between last adopted figures and recorded amounts shall be explained. Forecasted amounts shall include an explanation of the forecasting method.

1. Number of customers and percentage of customer increase for last authorized test years, last five years recorded data, and proposed test year.²¹
2. Total water sales in CCF for the last authorized test year, last five years recorded data, and proposed test year.²²

²⁰ A significant expense is equal to or greater than 1% of test year gross revenues.

²¹ Forecast customers using a five-year average of the change in the number of customers by customer class. Should an unusual event occur, or be expected to occur, such as the implementation or removal of limitation on the number of customers, then an adjustment to the five-year average will be made. Calculate customer consumption by using a multiple regression (any commonly used multiple regression software could be employed, e.g., Eviews, SAS, TSP, Excel, Lotus), based on the material in the "Standard Practice No. U-2" and the "Supplement to Standard Practice No. Utilities-25" with the following improvements: (A) Use monthly data for ten years, if available. If ten years' data is not available, use all available data, but not less than five years of data. If less than five years of data is available, the utility and DRA will have to jointly decide on an appropriate method to forecast the projected level of average consumption; (B) Use 30-year average for forecast values for temperature and rain; and (C) Remove periods from the historical data in which sales restrictions (e.g., rationing) were imposed or the Commission provided the utility with sales adjustment compensation (e.g., a drought memorandum account), but replace with additional historical data to obtain ten years of monthly data, if available.

²² Forecast water sales for all classes of customers for utilities that are under government-mandated production limitations based on that limitation and consideration of unaccounted for water and historical production reserves while under the imposed limitation. Water sales for customer classes other than residential, multifamily, and business (such as industrial, irrigation, public authority, reclaimed, and other) will be forecast on total consumption by class using the best available data.

3. Revenue requirement authorized for last test and escalation years and proposed test year.
4. Recorded revenues for last five years and proposed test year forecast.²³
5. Revenues per customer for last authorized test years, last five years recorded data, and proposed test year.
6. Number of general office employees and percent increase for the last authorized test years, last five years recorded data, and proposed test year.
7. Number of district employees and percent increase for the last authorized test years, last five years recorded data, and proposed test year.
8. List each rate change since the last GRC decision by district, including the date, percentage change to typical residential customer bill, percentage change to revenue requirement, total dollar change, and citations to authority for each increase, and sum to arrive at cumulative rate change by district since last GRC.

B. Revenue Requirement: Operations and Maintenance, Administrative and General, General Office

As part of the Results of Operation Report, all significant changes between last adopted figures and recorded amounts shall be explained. Show results of operation in summary table as specified by the Water Division. Forecasted amounts shall include an explanation of the forecasting method.²⁴ Among other information to support the utility's request, provide the following:

²³ Estimate test year sales revenues based on the test year sales and customer forecast. Estimate other revenues using the best available data.

²⁴ For district and general office expenses, excluding water production related expenses, parties may forecast using traditional estimating methodologies (historical averages, trends, and specific test year estimates). In addition to any other methodology the utility may wish to use, the utility shall also present, in its workpapers, an inflation adjusted simple five-year average for all administrative and O&M expenses, with the exception of off-settable expenses and salaries.

1. Operation and Maintenance (O&M) Expenses for the last authorized test year, last five years recorded data, and proposed test year.
2. O&M expense per customer for last authorized test year, last five years recorded data, and proposed test year.
3. maintenance expense and percent increase/decrease for last authorized test year, last five years recorded data, and proposed test year.
4. maintenance expense per customer and percent increase/decrease for last authorized test year, last five years recorded data, and proposed test year.
5. A&G Expenses and percent increase for the last authorized test year, last five years recorded data, and proposed test year.
6. A&G Expense per customer and percent increase for the last authorized test year, last five years recorded data, and proposed test year.
7. Number of district employees per thousand customers and percent increase for the last authorized test year, last five years recorded data, and proposed test year.
8. District employee's total payroll expenses and percent increase for the last authorized test year, last five years recorded data, and proposed test year.
9. District employee's payroll expenses per thousand customers and percent increase for the last authorized test year, last five years recorded data, and proposed test year.
10. District employee's expensed payroll and percent increase for the last authorized test year, last five years recorded data, and proposed test year.
11. District employee's capitalized payroll and percent increase for the last authorized test year, last five years recorded data, and proposed test year.
12. Number of general office employees per thousand customers and percent increase for the last authorized test year, last five years recorded data, and proposed test year.
13. General office payroll expense and percent increase for the last authorized test year, last five years recorded data, and proposed test year.

14. General office payroll expense per thousand customers and percent increase for the last authorized test year, last five years recorded data, and proposed test year.
15. General office expensed payroll and percent increase for the last authorized test year, last five years recorded data, and proposed test year.
16. General office capitalized payroll per thousand customers and percent increase for the last authorized test year, last five years recorded data, and proposed test year.
17. Number of supervisory, managerial and executive employees in General Office for the last authorized test year, last five years recorded data, and proposed test year.
18. Number of supervisory, managerial and executive employees in General Office per thousand customer for the last authorized test year, last five years recorded data, and proposed test year.

C. Revenue Requirement: Water Sales and Production

As part of the Results of Operation Report, all significant changes between last adopted figures and recorded amounts shall be explained. Show results of operation in summary table as specified by the Water Division. Forecasted amounts shall include an explanation of the forecasting method. Among other information to support the utility's request, the utility shall provide the following:

1. Total water production in CCF for the last authorized test year, last five years recorded data, and proposed test year.
2. Total purchased water in CCF for the last authorized test year, last five years recorded data, and proposed test year.
3. Total pumped water pumped in CCF for the last authorized test year, last five years recorded data, and proposed test year.
4. Total treated water in CCF for the last authorized test year, last five years recorded data, and proposed test year.
5. Total surface water in CCF for the last authorized test year, last five years recorded data, and proposed test year.

6. Total raw water in CCF for the last authorized test year, last five years recorded data, and proposed test year.
7. Total recycled water in CCF for the last authorized test year, last five years recorded data, and proposed test year.
8. Sales per customer for different customer classes (in CCF/customer) for the last authorized test year, last five years recorded data, and proposed test year.²⁵

D. Escalation Year Methodology

Utilize the following methods for preparing escalation year requests:²⁶

1. Estimate escalation year labor expenses by the most recent labor inflation factors as published by the DRA.
2. Estimate non-labor escalation year expenses, excluding water production related expenses, by the most recent composite non-labor 60%/compensation per hour 40% inflation factors published by DRA.
3. Estimate escalation year water production related expenses based on escalation year sales.
4. Adjust for all non-recurring and significant expense items prior to escalation. A significant expense is equal to or greater than 1% of test year gross revenues.
5. Expense items subject to recovery via offset accounts, e.g., balancing accounts, shall not be escalated.
6. Estimate escalation year expenses not specifically addressed in DRA's published inflation factors, (such as insurance) based on CPI-U for most recently available 12 months, as provided in the decision.

²⁵ The utility and DRA shall use the "New Committee Method" to forecast per customer usage for the residential and small commercial customer classes in general rate cases.

²⁶ In each water utility's escalation year advice letter filing, the most recent DRA inflation factors will be used.

7. Escalation year expenses may also be increased by the most recent five-year average customer growth or other growth adopted by the Commission.
8. For the first escalation year, estimate customers by adding the five-year average change in customers by customer class or other growth adopted by the Commission to the test year customers. For the second escalation year, estimate customers by adding the five-year average change in customers by customer class or other growth adopted by the Commission to the first escalation year customers.
9. Estimate sales for the escalation years for the residential, multifamily, and business classes by multiplying the number of customers for each escalation year by the test year sales per customer. Use the test year sales for all other customer classes for both escalation years.
10. Forecast sales revenues for the escalation years based on each year's forecast of sales and customers. Other revenues will be estimated using a five-year average of recorded other revenue.

E. Rate Base

All significant changes between last adopted figures and recorded amounts shall be explained. Forecasted amounts shall include an explanation of the forecasting method.²⁷ All significant capital additions shall be identified and justified, and must include need analysis, cost comparison and evaluation, conceptual designs, and overall budget. Also include a comparison of the forecasted capital additions adopted in the last GRC and actual capital additions.

1. Rate base and percentage of increases for last authorized test years, last five years recorded data, and proposed test year.
2. Rate base per customer and percentage of increases for last authorized test years, last five years recorded data, and proposed test year.

²⁷ In addition to any other methodology the utility may wish to use, the utility shall derive the test years and attrition year estimates by taking the year-end properly recorded plant balance of the latest recorded year and adding to it the average plant additions of the last five years. The results of this methodology may be included in workpapers.

3. Plant-in Service and percentage of increases for last authorized test years, last five years recorded data, and proposed test year.
4. Plant-in Service per customer and percentage of increases for last authorized test years, last five years recorded data, and proposed test year.
5. List the plant improvements authorized in test years but not built.
6. List plant improvements built in last test years but not authorized.
7. List all items in Plant-in Service included in rate base not “used and useful” in the last five years and proposed test year.
8. To the extent not included in a previous GRC application, include a detailed, complete description accounting for all real property that, since January 1, 1996, was at any time, but is no longer, necessary or useful in the performance of the water corporation’s duties to the public and explain what, if any, disposition or use has been made of said property since it was determined to no longer be used or useful in the performance of utility duties.²⁸ The disposition of any proceeds shall also be explained.

F. Supply and Distribution Infrastructure Status and Planning

1. Demonstrate compliance with § 10620 of the California Water Code which requires the utility to prepare an Urban Water Management Plan. The utility shall demonstrate compliance by providing a copy of the letter the utility has received from DWR affirming a completed Urban Water Management Plan.
2. Identify unaccounted for water in CCF and percentage of total water production for the last authorized test year, last five years recorded data, and proposed test year amounts.
3. Submit the results of a water loss audit performed no more than 60 days in advance of the submission of the Application. The audit report will be prepared using the free Audit Software developed by the

²⁸ For example, real property subject to Water Infrastructure Improvement Act of 1995 (Pub.Util. Code §§ 789, 789.1, 790, 790.1).

American Water Works Association (AWWA) and available on the AWWA website.

4. If unaccounted water is more than approximately 7% for each district or service area, submit a plan to reduce unaccounted water to a specific amount. In connection with the water loss audit described above, the utility shall conduct and submit the results of a cost/benefit analysis for reducing the level of unaccounted water reported in the water loss audit.
5. Identify specific measures taken to reduce unaccounted water in the last five years and proposed test year.
6. Identify number of leaks in the last five years.
7. Describe leak detection program.
8. Provide leak repair time and cost statistics for last five years.
9. Identify specific measures taken to reduce number of leaks in the last five years and proposed test year.
10. Calculate the average age of distribution system.
11. List number of feet of and size of mains replaced for last authorized test years, last five years recorded data, and proposed test year amounts.
12. Concisely list all major water sources, including the permit number or contract, remaining duration of the entitlement, and any pending proceedings or litigation concerning any major source. Location of the source need not be included.
13. Identify water supply (in gpm) added to system for the last three years and proposed test years.
14. Identify storage volume (in million gallons) added to water system for the last three years and proposed test years.
15. Identify treatment volume (in million gallons) added to water system in the last three years and proposed test years.
16. Include a copy of the latest Department of Water Resources Water Management Plan.
17. Provide confirmation of compliance with EPA Vulnerability Assessment and Office of Emergency Services Response Plan.

18. Submit a long-term, 6-10 year Water Supply and Facilities Master Plan to identify and address aging infrastructure needs. The Plan should be consistent with the United States General Accounting Office's March 2004 study.
19. If expected system improvement requirements over next five years exceeds average authorized capital additions over past two GRCs, identify a ratemaking approach (for example, a Distribution System Improvement Charge), to ensure infrastructure renewal.

G. Conservation and Efficiency

1. Specific measures taken to promote water conservation in the last five years and the proposed test years.
2. Submit plan to achieve five percent reduction in average customer water use over three year GRC cycle.
3. Identify the percentage of metered customers in aggregate and by district and your plan to convert customers to metered service.
4. Confirm membership in the California Urban Water Conservation Council
 - a) For those companies that are a member of CUWCC, submit a Separate Report that list the company's compliance with the 14 BMPs.
 - b) For those companies that are not members of CUWCC, submit a Separate Report on the implementation of CUWCC's BMPs.
5. Provide specific measures taken to promote energy conservation in the last five years and the proposed test years.
6. Identify and assess options to improve energy efficiency of water pumping, purification systems, and other energy intensive water processes.
7. Identify options to achieve reductions in energy use related to its water utility operations over the proposed GRC cycle, including a plan to achieve a ten percent reduction in energy use per Ccf.
8. Identify number of water pumps rated in pump efficiency tests as "Low," "Normal" and "High" in the last five years.

9. Identify number of low efficiency pumps replaced for the last authorized test years, the last five years and the proposed test years.
10. Calculate delivery factors (kWh/CCF) for the (1) total system, (2) wells only, and (3) boosters only, for the last authorized test year, last five years recorded data, and the proposed test years.

H. Water Quality

1. Summarize any non-compliance with maximum contaminant levels (MCLs) since the last GRC.
2. Summarize any Treatment Techniques or Action Level exceedances.
3. Summarize any Notification Levels or Response Level exceedances.
4. Provide copy of the distributed Consumer Confidence Report (CCR) for each year not covered by the last GRC.
5. Provide copies of CDHS citations issued to the system, if any.
6. Provide copy of last CDHS inspection report and letters of violation.
7. Provide information on all actions taken to comply with CDHS requests.
8. Provide an explanation as to how regulations expected to be promulgated in the next five years may affect your operations.
9. Provide copy of CDHS State Revolving Funds Needs Survey Documentation.

I. Service Quality

1. Number of customer complaints received in last three years, categorized by major subject areas.
2. Measures taken to reduce the number of complaints in the last three years and plan for GRC cycle.

J. Corporate and Unregulated Activities

1. Identify and explain all transactions with corporate affiliates involving utility employees or assets, or resulting in costs included in revenue requirement over the last five years. Include all documentation, including a list of all such contracts, and accounting detail necessary to demonstrate that any services provided by utility officers or employees to corporate

affiliates are reimbursed at fully allocated costs.

2. To the extent the utility uses assets or employees included in revenue requirement for unregulated activities, identify, document, and account for all such activities, including all costs and resulting revenue, and provide a list of all contracts over the last five years.

K. Rate Design

Testimony should describe how the proposed rate design promotes customer conservation and low-income water user affordability. At a minimum, the proposed rate design should include:

1. Conservation rate design (increasing block rates) for metered customers or otherwise be consistent with industry-wide rules on conservation rate design.
2. Low-Income tariff.
3. Identify opportunities and options for consolidation of district tariffs, where appropriate.

L. Other

1. Describe any adopted mechanism to remove the water utility financial disincentive to promote conservation or adjust for conservation impacts on sale revenues.
2. Propose a method or methods to remove the water utility financial disincentive to promote conservation, if one is not currently adopted.²⁹
3. Identify Class C and D or mutual water companies adjacent to current service territories and opportunities for interconnection or acquisition.
4. List the major policies, programs, plant additions, and improvements proposed in the GRC that promote achievement of the four Water Action Plan 2005 principles.

²⁹ May include a water revenue adjustment mechanism, shareholder/ratepayer conservation incentives, or other approaches.

M. Workpapers

Workpapers are served as described in the Rate Case Plan but are not part of the proposed application. Include all supporting analysis, documentation, calculations, back-up detail, and any other information relied on but not readily available to other parties. Electronic copies of all spreadsheets or other analytical methods necessary to fully calculate the effect of any revenue requirement change on final rates should be included. All workpapers must include a table of contents, page numbering, and cross-references to issues discussed in testimony, and must be arranged in a logical fashion.

Class A Water Utilities
Rate Case Plan
Attachment 2 of 2

**Minimum Data Requirements for Utility
Cost of Capital Application and Testimony**

Testimony served concurrently with the cost of capital application must include data responsive to the specific topics and questions listed below, among other information necessary to support the request. The application and testimony need not respond to the Minimum Data Requirements in the order presented below, but must include a cross reference that identifies where each topic and question is addressed in the testimony. Provide responses both on a company aggregate and individual district basis as appropriate.

- A. List most recent authorized return on equity and rate of return on rate base, with reference to decision number.
- B. Report actual return on equity and rate of return on rate base annually for the past 5 years.
- C. Describe the proposed capital structure and rate of return. Identify and explain all significant changes from last adopted capital structure and cost of capital. Report cost of capital information in summary table as set out below:

| | Test Year ____ Escalation Years ____ and ____ | | |
|-----------------|--|------|------------------|
| | Capital Structure | Cost | Weighted Cost |
| Debt | | | |
| Preferred Stock | | | |
| Common Equity | | | |
| Total | 100.00 % | | |

- D. Regarding long-term debt:
 1. List the sinking fund amounts for each issue, by issue, by year.
 2. List the retirements by issue, for the current year.

3. List the interest rates for each issue, by issue.
 4. List the terms of each issue, by issue, with issue date and date due.
 5. List the cost of issuance for each issue, by issue.
 6. List name of lender for each issue, by issue.
 7. Provide the formula used to determine the cost of new issues of long-term debt (Example: 30-year Treasury Bond + 100 basis points), as well as the reason for using the particular rate and basis point premium.
 8. If company or affiliate is rated by S&P, provide rating. If not rated, what would be rating based on forecast cost of new debt?
- E. Are company stocks, bonds, or company as a whole rated or commented on by any organization or agency?
- a) If so, provide name(s) and phone number(s) of rating/commenting organization(s) and the ratings/comments received in the past 12 months.
 - b) Provide this information on an ongoing basis.
- F. List actual rate base for the past 5 years, by year, by district.
- G. Workpapers are served but not part of the application and should include:
1. Copies of all publications, articles, book references, regulations, and decisions, referenced in testimony.
 2. Supporting documentation for all models used to determine return on equity.

(End of Appendix A)

INFORMATION REGARDING SERVICE

I have provided notification of filing to the electronic mail addresses on the attached service list.

Upon confirmation of this document's acceptance for filing, I will cause a Notice of Availability to be served upon the service list to this proceeding by U.S. mail. The service list I will use to serve the Notice of Availability is current as of today's date.

Dated March 29, 2007, at San Francisco, California.

/s/ ELIZABETH LEWIS
Elizabeth Lewis

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